

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TYSON BEALL, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 3:15-CV-00941-B
§
§
BRUCE THORNTON AIR §
CONDITIONING, INC., §
§
§
Defendant. §

MEMORANDUM OPINION & ORDER

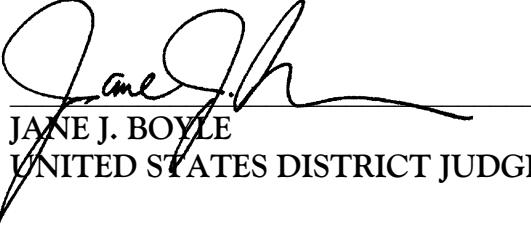
Before the Court is Defendant Bruce Thornton Air Conditioning, Inc.'s Motion to Transfer Venue to the Lubbock Division of the Northern District of Texas pursuant to 28 U.S.C. § 1404(a) (the "Motion"). Doc. 8. Having considered the Motion and the filings in this case, the Court finds that Defendant did not sufficiently meet its burden of showing that the private and public interest factors weigh in favor of transfer. *Gulf Oil Corp v. Gilbert*, 330 U.S. 501, 508, 67 S.Ct. 839, 843 (1947); *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004). In particular, Defendant failed to (1) "specifically identify the key witnesses and outline the substance of their testimony[,]” *N2 Consulting, LLC v. Engineered Fastener Co.*, 2002 WL 31246770, at *3 (N.D. Tex. Oct. 2, 2002) (internal citations omitted), (2) supply the Court with any information regarding the potential court congestion of the Dallas Division compared to the Lubbock Division, and (3) demonstrate the local interest in having the case decided in the Lubbock Division. Accordingly, the Court hereby **DENIES** the Motion.

However, in light of the fact that the alleged incident underlying Plaintiff's action—i.e.,

Plaintiff's termination from his employment due to an injury he sustained while participating in a training exercise for his Marine Corps reserve unit—occurred in Lubbock County, Plaintiff is a resident of Lubbock, and Defendant's principal place of business is in Lubbock, the Court believes that transfer may be warranted in this case. Doc. 1, Complaint ¶¶ 2, 4, 9–14. Therefore, the Court hereby **GRANTS** Defendant leave to file an amended motion addressing the deficiencies highlighted by the Court above. Should Defendant elect to file an amended motion, it must do so by no later than August 11, 2015.

SO ORDERED.

SIGNED: July 28, 2015.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE